

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Control Committee**

**11 April 2012**

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN  
AGENDA**

**ITEM 10**

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
<b>03</b>	<b>11/04808/VAR</b>	<b>Sainsbury's Supermarkets Ltd 170 Frome Road, Odd Down, Bath</b>

The report refers to the installation of a service yard gate but, no details of how this will safeguard the amenity of neighbouring occupiers has been provided. In view of this, the following condition should be added to the recommended conditions in the Officer Report.

Details of the new solid service yard gate shall be submitted to and approved by the Local Planning Authority prior to deliveries taking place within the new extended delivery hours. The gate thereafter shall be retained in accordance with the approved details for the duration of the operation of the extended delivery hours.

Reason: To safeguard the amenity of nearby occupiers.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
<b>05</b>	<b>11/04754/FUL</b>	<b>Parcel 9015, Rowley Farm Lane Combe Hay, Bath</b>

This application has been withdrawn by the applicant.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
<b>06</b>	<b>12/00495/FUL</b>	<b>Bath Urban Area, Various Streets</b>

**Application Description Update**

To reflect the reduction in the number of installations being applied for the description of the application has been changed to "Erection of 9 temporary plinths with name plaques in various locations (for the display of temporary public art works) (01/05/2012 - 01/11/2012)"

### Third Party Comments Update

7x emails of support for this project have been received although these do not raise planning issues.

1x Updated letter of objection received noting the following points:

- The reduction in statue numbers and the removal of those in the most sensitive locations is welcomed.
- There are no drawings showing their precise positioning at each location and the orientation of the statues.
- The Little Theatre is Grade II listed and listed building consent may be required if the statue is to be fixed to the building. No details of the proposed fixings have been provided.
- The two statues proposed for the historic lamp posts in the Circus are wholly unacceptable. This is a particularly sensitive place and the lamp posts are heritage assets.
- Parade Gardens, Botanic Gardens and Victoria Park are Grade II listed. Is listed building consent required for these locations?

### Proposal Update

#### Sculptures 4a and 4b

Following concerns raised by the Highway Officer and Street Lighting Team Leader it is confirmed that at 30kg+ the cast metal lampposts in The Circus cannot accommodate the additional weight and that the potential for excessive loading of the structures could cause catastrophic failure now or at some stage in the future due to fatigue. In light of these observations (and having considered alternative options for sites in The Circus) the applicant has confirmed it is not feasible to pursue these two sculptures and so they have formally withdrawn the two Circus sites (Sculptures 4a and 4b on the site location plan, item 4 the Committee Report as confirmed by drawing 1131/12 Rev A.)

#### Sculpture 6

There has been concern raised in respect of the sculpture on top of the canopy above the entrance to the Little Theatre, how it would be fixed in place and whether a separate listed building consent would be required. This point has been raised with the applicant who has confirmed that it is to be free standing and not attached to the listed fabric of the building. On the basis of

this information, it is considered that Sculpture 6 does not require listed building consent in its own right however the applicant should be advised that in the event that fixings to the building are required, a listed building application should be submitted for consideration. The granting of planning permission in no way conveys the granting of listed building consent.

#### Sculptures 8 and 9

The question has been raised as to whether listed building consent is required for the two sites in the Botanical Gardens and on Gravel Walk. For clarification, having discussed this matter with the Historic Environment Team Leader it is considered that as these sculptures would be temporary and freestanding and that they do not affect the fabric or setting of a listing building, listed building consent is not required.

#### Addition of an Informative

In light of comments received in respect of this application it is recommended that an informative is added to any permission to clarify that the granting of planning permission in no way conveys the granting of listed building consent.